

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RYAN BILLENSTEIN,)	
)	CASE NO. 3:15CV01097
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
WARDEN, WARREN CORRECTIONAL)	
INSTITUTION,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u>

Pro se Petitioner Ryan Billenstein filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#), *see* [ECF No. 1](#). Petitioner asserts two grounds for relief, challenging the constitutional sufficiency of his conviction for: aggravated vehicular homicide, aggravated vehicular assault, and operating a vehicle while under the influence of alcohol and/or drugs of abuse. The trial court accepted Petitioner's plea of no contest to these counts. On May 1, 2013, the trial court sentenced Petitioner to a total of thirteen years in prison.

On July 28, 2015, the case was referred to Magistrate Judge Nancy Vecchiarelli for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On September 24, 2015, Respondent filed a return of writ ([ECF No. 9](#)). Petitioner did not respond. On July 8, 2016, the Magistrate Judge submitted a report ([ECF No. 10](#)) recommending that the Court dismiss the Petition.

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Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within fourteen (14) days after service.¹ Petitioner has not filed any objections to the magistrate judge's report and recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation (ECF No. 10). Petitioner Ryan Billenstein's Petition for a Writ of Habeas Corpus is dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 31, 2016

Date

/s/ Benita Y. Pearson

Benita Y. Pearson
United States District Judge

¹ Under Fed. R. Civ. P. 6(d), three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. See Thompson v. Chandler, 36 F. App'x. 783, 784 (6th Cir. 2002).